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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,034	06/16/2006	Gianfranco Cavilli	034170-029	4027

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

NOTIFICATION DATE	DELIVERY MODE
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06/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,034	<b>Applicant(s)</b> CAVILLI ET AL.	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 10, 13, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 8, 11, 12, 14, 15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/05 &amp; 6/29/06</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: the Disclosure of Invention should not refer the present invention to a specific claim; it should briefly describe the present invention. Appropriate correction is required.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Claim 1, line 12: "in that" renders the claim indefinite for it is unclear as to what "that" is.

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- Claim 1, lines 13-14: “as of said application station” is indefinite because it is unclear as to the clear meaning of the preposition “as of” being utilized.
- Claim 3, lines 6-7: “as of said application station” is indefinite because it is unclear as to the clear meaning of the preposition “as of” being utilized.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 6, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ochs (US 5,284,001).

- With respect to claim 1, Ochs disclose a unit for applying closures (7) to containers (1) that meets all of applicant's claimed subject matter; in particular, the unit of Ochs comprises: a first conveyor (4) feeding the containers (1) along a first linear path (upper run 31), a plurality of gripping devices (12) each receiving a closure (7) at a pick-up station, moving the closure (7) along a curved path to an application station and applying the closure to a container at the application station, and a plurality of pressing devices (17) each generating a contact pressure between a closure (7) and a container (1) along a portion of the first linear path.
- With respect to claim 2, the unit of Ochs further comprises a second conveyor (13) transporting the plurality of pressing devices (17) along a second linear path

(lower run of conveyor 13) that interfaces with the first linear path (31) at the application station and along a portion of the first linear path (31) (FIG. 4).

- With respect to claim 3, each the pressing device (17) is disposed in a support (87) integral with the second conveyor (13) via a mounting support (46), each pressing device (17) is connected to an actuating device (75) for moving along an axis that is perpendicular to a feed plane of the containers (1) and between a work position (FIG. 6) and a rest position (FIG. 5).
- With respect to claim 5, each pressing device (17) further comprises a control device (90) for moving the actuating device (75) into the work and rest positions.
- With respect to claim 6, the control device (90) for each pressing device (17) comprises a first elastic member (94) and a retaining device (85).
- With respect to claim 9, the unit of Ochs further comprises a guide (92) that interacts with the control device (90) to restoring the actuating device (75).
- With respect to claim 10, each pressing device (17) includes a second elastic member (93) interact with the actuating device (75) for damping the actuating device.
- With respect to claim 13, the unit of Ochs further comprises a guide (92) that interacts with the control device (90) to restoring the actuating device (75).
- With respect to claim 16, each pressing device (17) includes a second elastic member (93) interact with the actuating device (75) for damping the actuating device.

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- With respect to claim 19, each pressing device (17) includes a second elastic member (93) interact with the actuating device (75) for damping the actuating device.

***Allowable Subject Matter***

7. Claims 4, 7, 8, 11, 12, 14, 15, 17, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 along with the applied prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 2, 2008

/Louis K. Huynh/  
Primary Examiner  
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